

Establishment Guidelines

Local Government Legislative Councils



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Rationale for the Guidelines for Establishment of Local Government Legislative Councils

Section 25 of the Local Government Act, 2009 mandates the establishment of Legislative Councils in all Local Government Councils (Counties). The Act provides very concise steps of how to establish the Legislative Councils. However until such a time as a framework and rules and regulation for the conduct of Local Government Election has been developed and adopted, it will not be possible to apply the provisions of the Local Government Act on a step by step basis.

As such the LGB is recommending that the same approach of the formation of the governments of National Unity, Southern Sudan and the State before the elections be adopted. In other words, membership to the Local Government Legislative Councils will be by appointment by the Governor upon the recommendations of the County Commissioner and senior staff of the Counties.

The primary function of members of the Local Government Legislative Council is to be the legislative arm of the Local Government in the community. Councillors are community members who are honorary who have a special commitment and interest in the issues of their communities. They really volunteer to support the management of the council.

The following step by step process is provided to guide:

Step 1: Appointment of the Members of the Legislative Council.

With supervision and guidance from the Director General of the Ministry of Local Government and Law Enforcement, the appointment process begins at the Payam. Each Payam shall nominate an agreed number of members depending on the number of Payams in each County. The nominees for membership shall:

- be a Sudanese;
- be at least twenty one years of age;
- be of sound mind;
- be literate;
- not to have been convicted during the last seven years, of an offence involving honesty or moral turpitude; and
- not hold any position in the Executive Council, State Legislature and State Council of Ministers.

In the nomination at the Payams, every effort should be made to represent all the Bomas and to include twenty five percent (25%) women.

The Payam administrator then submits the nominations to the County Commissioner's office.

Step 2: Selection Committee at County Level

The County the Commissioner shall then constitute a Selection Committee at County level, which shall comprise 5 members, including the Executive Director and a representative of the Traditional Authorities. The Selection committee shall consider and deliberate the submissions of the Payams and make recommendations to the Governor for appointment, through the Director General of the Ministry of Local Government and Law Enforcement.

Step 3: Appointment by the Governor

The Governor then formally appoints the recommended persons as members of the Legislative Council for each County by decree.

Step 4: First Meeting of the Legislative Council

Within seven (7) calendar days of the appointments being made, the County Commissioner shall call the first meeting of Legislative Council.

This meeting will be chaired by the eldest member of the Legislative Council.

The item of business in this meeting is to elect the:

1. Chairperson;
2. Deputy Chairperson;
3. Chairpersons of the Standing Committees

Step 5: Election of County legislative office-bearers

Nominations

1. The eldest member of the Legislative Council who presides at the first meeting must call for the nomination of candidates at the meeting.
2. He or she then announces the names of the persons who have been nominated as candidates, but may not permit any debate.

Election Procedure

3. If only one candidate is nominated, the person presiding must declare that candidate elected.
4. If more than one candidate is nominated—
 - a) a vote must be taken at the meeting by secret ballot;
 - b) each member present at the meeting may cast one vote; and
 - c) the person presiding must declare elected the candidate who receives a majority of the votes.

Elimination procedure

5. If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with the above-mentioned procedure. This procedure must be repeated until a candidate receives a majority of the votes.

Step 6: Oath of the Members of the Legislative Council

Once elected the Chairperson takes oath before the Governor.

After the Chairperson is sworn in, the Council Members shall take the oath of office before the Chairperson of the Council.

Step 7: Standing Committees of the Legislative Council

Each Legislative Council shall select relevant Standing Committees from the following list as deemed necessary. Each member can only be a member of one (1) Standing Committee.

1. ***Service Committee:*** The Service Committee shall comprise 7 members of the 35 Legislative Council members. It shall be responsible for addressing all matters pertaining to services delivery to include education, health, sanitation etc.
2. ***Planning, Finance and Development Committee:*** This committee will be responsible for oversight and approval of all developmental programming including the planning and budgeting processes. It is responsible for approving and oversight of the County annual plans and budgets. It shall comprise of 5 members.
3. ***Public Works Committee:*** With 5 members this committee will be in-charge of the infrastructure and public utilities.
4. ***Lands Committee:*** The land committee is a very important committee in the context of Southern Sudan. Made up of 3 members its is responsible for land management, land acquisition, land allocation, land registration and land use management.
5. ***Legal Affairs Committee:*** The 3 members of the legal affairs committee will be responsible for maintain the rule of law mechanisms and develop and manage the local level public grievance systems.
6. ***Public Relations and Ethics Committee:*** The Public Relations and Ethics Committee shall comprise of 3 members. It shall be responsible for ensuring that the Council is responsive, accountable and accessible to the community. In addition it will ensure compliance of the members of council to the by-laws and applicable legal framework regulating their behaviour.
7. ***Information and Culture Committee:*** The Information and Culture portfolio shall have 3 members. They shall have the primary task of keeping the community informed about council affairs and business. They shall also promote the cultures and traditions of the community.
8. ***Security Committee:*** The 3 members of the security committee are responsible for deliberating and responding to all security related matters with the primary purpose of mitigating and preventing conflict within the community and its neighbours.
8. ***Coordination Committee:*** Chaired by the Chairperson of the Legislative Council with his deputy as the deputy and the Chairpersons of the Standing Committees as members, the Coordination Committee shall serve to coordinate and bring together the activities of all the standing committees.

Step 8: Appointment of the Council Secretary of the Legislative Council

To support the Legislative Council in the conduct of its functions and duties the Council shall appoint its Council Secretary from the General List of Local Government Administrative Officers. The Council Secretary is a member of the Legislative Council but does not have the right to vote.

Emoluments of Members of the Legislative Councils

Members of the Legislative Council **shall not** be paid monthly emoluments but shall be entitled to allowances. The Legislative Council only meets 4 times a year for a period not more than 14 days at a time deliberating on Council business. During this period they are entitled to allowances to cater for their basic needs. The word monthly payment does not arise.

A member of the Council **may** hold any other office for remuneration or engage in any profit making business as long as that office or business does not create a conflict of interest with the council business.

Recommended scales for the allowances

1. **Subsistence allowances** - accommodation and feeding. Rates – according to the Schedule of Accommodation and Subsistence Allowances of the Government of Southern Sudan (SDG150.00 per day)
2. **Transport allowance** SDG50.00 for travelling to and from the County capital
3. **Council sitting allowance** – for the number of days that you are in session SDG 30 per day;
4. **Adhoc committee incentives** – according to the terms of references of the specific task. The TORs should specify days or hours of the specific task for which the members are to be paid. This can cater for experts from outside the legislative council. SDG 20.00

Administrative allowances for Chairperson, Deputy Chairperson and Chairpersons of Standing and Adhoc Committees of Council.

Chairpersons are members of the consultative committee of the council. They are entitled to administrative allowances for the number of times the consultative meeting of council business other than their regular legislative council sessions. Chairpersons SDG40.00 per day; Deputy Chairpersons SDG35.00 per day; and members SDG30.00 per day

These allowances will be budgeted for by every County.

Training of the Legislative Council Members:

The Local Government Board is committed to providing training of all Councillors through its existing and potential new partner support. To make this possible all Counties, through the Executive Director must submit a list of the member of the Council and the Standing Committees. The Executive Directors will then forward the lists to the Director General in the Ministry of Local Government and Law Enforcement for onward transmission to the Under Secretary of the Local Government Board.

Application of the Local Government Act, 2009:

This guideline document provides guidance on the establishment of the Legislative Councils as stipulated in the LGA, 2009. It does not go into details of the functions and duties of the Legislative Councils and other functional and operational issues. These are clearly provided for in the LGA, 2009 and as such will not be restated here.